

## Message Text

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ACTION STR-04

INFO OCT-01 EUR-12 EA-07 IO-13 ISO-00 STRE-00 SSO-00

NSCE-00 USIE-00 INRE-00 AGRE-00 FEA-01 AGR-05 CEA-01

CIAE-00 COME-00 DODE-00 EB-07 FRB-03 H-02 INR-07

INT-05 L-03 LAB-04 NSAE-00 NSC-05 PA-01 AID-05

CIEP-01 SS-15 ITC-01 TRSE-00 PRS-01 SP-02 OMB-01

NEA-10 /117 W

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O R 271835Z SEP 76

FM USMISSION EC BRUSSELS

TO SECSTATE WASHDC IMMEDIATE 1953

INFO AMEMBASSY OTTAWA

AMEMBASSY STOCKHOLM

AMEMBASSY TOKYO

USMISSION OECD PARIS

USDEL MTN GENEVA

LIMITED OFFICIAL USE EC BRUSSELS 9430

FOR STR POMERANZ

E.O. 11652: N/A

TAGS: ETRD, OECD, MTN, EEC

SUBJECT: GOVERNMENT PROCUREMENT

REF: STATE 234316

1. MISSION OFFICER CONTACTED DERISBOURG TO EXPRESS POSITIONS  
CONTAINED IN REFTEL. DERISBOURG AGREED WITH US VIEW THAT OECD  
SECRETARIAT DRAFT FOR MTN SUBGROUP NEEDED ONLY FEW SMALL  
CHANGES BEFORE TRANSMISSION TO GENEVA. HE SAID THAT AS REGARDS  
SPECIFIC US VIEWS ON TACTICS, TRANSPARENCY AND SUPPLIER  
INQUIRY RIGHTS, AND FINAL PROVISIONS (PARAS 3, 4, 5 REFTEL)

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HE WOULD LIKE TO TALK WITH MEMBER STATES BUT OFFERED FOLLOWING

PERSONAL REACTIONS, WHILE NOT WANTING TO APPEAR TO COMMIT  
EC TO POSITIONS EXPRESSED.

TECTICS:

2. DERISBOURG SAID HE COULD AGREE WITH PARA 3A REFTEL (ELIMI-  
NATION OF NOTES ON RIGHT HAND PAGE) AND SAID THAT THE EC HAD  
THE SAME PROPOSAL IN MIND.

3. HE OBJECTED TO PARA 3B (OECD-MTN COOPERATION) AND SAID  
PROCEDURES HERE SHOULD BE DETERMINED BY TRADE COMMITTEE ITSELF  
AND NOT TCWP. DERISBOURG SPECIFICALLY BALKED AT PHRASE "RESPOND  
TO A REQUEST FOR ANY OTHER OECD DOCUMENTATION".

TRANSPARENCY AND SUPPLIER INQUIRY RIGHTS:

4. THE FOLLOWING REPRESENTS DERISBOURG'S VIEWS ON PRESENT  
POSITIONS WITHIN THE COMMISSION AND THE NINE MEMBER STATES.  
WE DID NOT QUIZ HIM ON POSSIBILITIES OF FUTURE EVOLUTION OF THESE  
POSITIONS.

5. DERISBOURG AGREED WITH REFTEL PROPOSALS CONTAINED IN 4A,  
B, C EXCEPT FOR SECOND SENTENCE IN 4C WHICH HE WOULD PREFER  
TO DROP. HE SUGGESTED MISSION ADVISE POMERANZ THAT BID DIS-  
CLOSURE PROVISIONS AS PROPOSED MIGHT EVEN BE COUNTERPRODUCTIVE  
IN TERMS MEMBER STATE REACTIONS.

6. UNDER SECTION 4D REFTEL, DERISBOURG SAID THAT HE REMAINED  
OPTIMISTIC ABOUT CONVINCING MEMBER STATES THAT THEY SHOULD AGREE  
TO SUPPLY ALL REASONS FOR UNSUCCESSFUL BID TO LOSING BIDDER  
BUT THIS BEST DONE BY LEAVING STATEMENT GENERAL. HE FELT THAT  
"ALL THE REASONS" SHOULD LOGICALLY INCLUDE PRICE BUT THAT IF  
THIS WERE SPECIFICALLY ASKED HE WOULD NOT GET APPROVAL FROM  
A SINGLE MEMBER STATE. ON THE QUESTION OF DISCLOSURE OF NAME  
OF WINNING BIDDER, DERISBOURG REMAINS LESS OPTIMISTIC SINCE  
MEMBER STATES ARE OPPOSED AT PRESENT AND DISCLOSURE OF NAME  
CANNOT BE DESCRIBED AS A REASON FOR UNSUCCESSFUL BID.

7. DERISBOURG PROPOSES THAT PARAGRAPH 33A OF THE GUIDELINES  
READ AS FOLLOWS: QUOTE THE PURCHASING ENTITY SHALL INFORM  
EACH UNSUCCESSFUL BIDDER OF ALL THE REASONS FOR HIS  
REJECTION. UNQUOTE.  
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8. DERISBOURG HAD NO OBJECTION TO REFTEL ITEMS 4E AND 4F  
(PARAS 33B, 34 AND 35) OR TO SUGGESTIONS FOR FINAL PROVISIONS.

9. DERISBOURG WILL BE HAPPY TO MEET POMERANZ AT 3 OR 4 O'CLOCK  
ON FRIDAY, OCT. 1 AT OECD.HINTON

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## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 JAN 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** GOVERNMENT PROCUREMENT, LAW, PERSONAL OPINION, RESOLUTIONS, PROPOSALS (BID)  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 27 SEP 1976  
**Decaption Date:** 01 JAN 1960  
**Decaption Note:**  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Authority:** ElyME  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 28 MAY 2004  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
**Disposition Remarks:**  
**Document Number:** 1976ECBRU09430  
**Document Source:** CORE  
**Document Unique ID:** 00  
**Drafter:** n/a  
**Enclosure:** n/a  
**Executive Order:** N/A  
**Errors:** N/A  
**Film Number:** D760364-0843  
**From:** EC BRUSSELS  
**Handling Restrictions:** n/a  
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**Legacy Key:** link1976/newtext/t19760917/aaaaaopd.tel  
**Line Count:** 113  
**Locator:** TEXT ON-LINE, ON MICROFILM  
**Office:** ACTION STR  
**Original Classification:** LIMITED OFFICIAL USE  
**Original Handling Restrictions:** n/a  
**Original Previous Classification:** n/a  
**Original Previous Handling Restrictions:** n/a  
**Page Count:** 3  
**Previous Channel Indicators:** n/a  
**Previous Classification:** LIMITED OFFICIAL USE  
**Previous Handling Restrictions:** n/a  
**Reference:** 76 STATE 234316  
**Review Action:** RELEASED, APPROVED  
**Review Authority:** ElyME  
**Review Comment:** n/a  
**Review Content Flags:**  
**Review Date:** 01 APR 2004  
**Review Event:**  
**Review Exemptions:** n/a  
**Review History:** RELEASED <01 APR 2004 by BoyleJA>; APPROVED <11 AUG 2004 by ElyME>  
**Review Markings:**

Margaret P. Grafeld  
Declassified/Released  
US Department of State  
EO Systematic Review  
04 MAY 2006

**Review Media Identifier:**  
**Review Referrals:** n/a  
**Review Release Date:** n/a  
**Review Release Event:** n/a  
**Review Transfer Date:**  
**Review Withdrawn Fields:** n/a  
**Secure:** OPEN  
**Status:** NATIVE  
**Subject:** GOVERNMENT PROCUREMENT  
**TAGS:** ETRD, US, OECD, EEC, MTN, (DERISBOURG, JEAN-PIERRE)  
**To:** STATE  
**Type:** TE  
**Markings:** Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006